

REMARKS

Claims 1 and 12 were objected to because of some typographical informalities. Applicant has revised claims 1 and 12 to correct for these informalities.

Claims 1 and 12 were rejected under 35 U.S.C. §112, second paragraph, the Examiner asking the Applicant to indicate whether the claimed controller in claims 1 and 12 refers to the shelf controller (item 224, 226, 228 or 230) or the resource manager/controller (item 202).

In response, the Applicant provides the following remarks.

For the most part, the resource manager controller 202 is responsible for determining whether IP traffic is to be routed to a circuit switch or a packet switch fabric depending on an ATM service category (see page 14, last paragraph through page 20 of the specification).

That said, the resource manager controller 202 is also responsible for controlling the shelf controllers 224, 226, 228 and 230 in order to route traffic (see page 8, lines 5-7 of the specification).

Thus, to the extent needed to enable the claims of the present invention, the feature of routing IP traffic in the claims of the present invention may include the control of a shelf controller by the resource manager controller.

The Section 102 and 103 Rejections

Claims 1 and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by Brueckheimer, U.S. Patent No. 6,574,224 ("the '224 Patent").

Claims 1 and 12 both require that IP traffic be routed to a circuit switch or packet switch fabric depending on an ATM service category of the IP traffic.

The Office Action refers to Figure 1 of the '224 Patent and an indication that the '224 Patent discloses ATM, AAL service category Types 1, 2 and 5 (i.e., constant bit rate (CBR) service and variable bit rate (VBR) service). However, the '224 Patent does not disclose that IP traffic is routed using these service levels.

Instead, traffic is routed based on: (a) a VPI and VCI of an ATM header, or additionally, on the CID of the ATM header (see column 5, lines 43 and 45 of the '224 Patent); or (b) by the IP destination address, the UDP or TCP port identifiers or by default (see column 6, lines 1, 2 of the '224 Patent).

Said another way, though the data in the '224 Patent is indicated as having different service levels, there is no disclosure or suggestion in the '224 Patent that IP traffic is routed using these service levels. In particular, there is no disclosure or suggestion that IP traffic is routed to a circuit switch fabric or a packet switch fabric based on these service levels, as in claims 1 and 12 of the present invention.

Accordingly, Applicant respectfully requests withdrawal of the present rejections and allowance of claims 1 and 12 and the claims which depend from them.

Claim 2-6 and 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '224 Patent in view of U.S. Patent No. 6,674,750 to Castellano ("the '750 Patent").

Preliminarily, Applicant submits that these claims are patentable over the combination of the '224 Patent and the '750 Patent because neither patent, taken separately or together, discloses or suggests the routing of IP traffic to a circuit switch fabric or a packet switch fabric depending on the ATM service category of the IP traffic as in claims 1 and 12 from which claims 2-6 and 13-17 depend.

In addition, Applicant submits that the combination of the '224 Patent with the '750 Patent may render both or either patents unsatisfactory for their intended purposes or require that the principle of operation of one or both patents be so modified. Figure 1 of the '224 Patent appears to indicate that both voice and data traffic is received by each component within groups 11 or 12. In comparison, Figure 1 of the '750 Patent appears to indicate that either voice (synchronous) or data (packet) signals are separately received by an interface module. Thereafter, the interface modules are capable of using a shared transmission bus. In sum, either the '224 Patent would have to be modified such that only a single type of traffic is received by each of the

components within groups 11 or 12 or the '750 Patent would have to be modified to enable each of the interface modules to receive both voice and data traffic. Because doing so would apparently render one or both patents unsatisfactory for their intended purposes or require their principle of operation to be changed, Applicants respectfully submit that the combination of the '224 Patent with the '750 Patent is inappropriate.

Even if such a combination is proper, the combination of the '224 Patent with the '750 Patent does not disclose or suggest allocating circuit switch fabric resources to IP traffic falling within an ATM service category. Instead, the '750 Patent appears to allocate resources between voice and data without regard to an ATM service category.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 2-6 and 13-17 and allowance of these claims.

The Allowability of Original Claims 7-11 and 18-27

Applicants wish to thank the Examiner for indicating that the subject matter of claims 7-11 and 18-27 would be allowable if written in independent form. Accordingly, Applicants have added new claims 28-42 which in effect place original claims 7-11 and 18-27 in an allowable, independent form as suggested by the Examiner.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

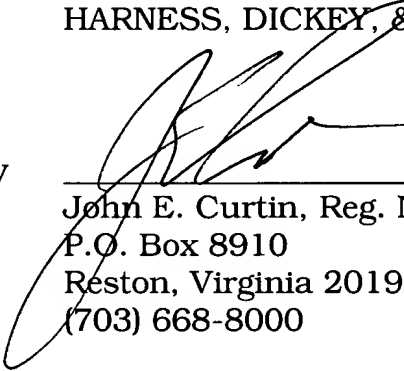
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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